

REQUEST TO REOPEN PROSECUTION UNDER 37 C.F.R. § 41.50(a) AND AMENDMENT UNDER 37 C.F.R. § 1.111
Serial Number: 09/458,862
Filing Date: December 10, 1999
Title: COMPOSITIONS AND METHODS FOR CRYOPRESERVATION OF PERIPHERAL BLOOD LYMPHOCYTES

Page 11
Dkt: 600.451US1

Remarks

Claims 1, 5, 14, 17, 26, 31, and 51-58 are amended, claim 50 is canceled, and claims 59-64 are added. Claims 1-3, 5-8, 11-12, 14, 16-17, 19-22, 24, 26-28, 30-44, 47-49, and 51-64 are pending.

Amended claims 1, 14, 26, 53, and 58 are supported by originally-filed claims 1, 4, 14 and 26.

Amended claims 5 and 17 are supported by originally-filed claims 5 and 17, respectively.

Amended claims 31 and 55 are supported by originally-filed claims 4 and 31, and at page 6, lines 17-21.

Amended claim 51 is supported by originally-filed claim 5.

Amended claim 52 is supported by page 4, lines 24-26 of the specification.

Amended claims 54 and 57 are supported by originally-filed claims 1 and 26, respectively, and at page 3, line 26, page 28, lines 10-11, and Tables 2-3 in the specification.

Amended claim 56 is supported by page 6, lines 17-21 of the specification.

New claims 59-60 are supported at page 4, lines 16-19 of the specification.

New claims 61-62 are supported by originally-filed claims 1 and 4, and at page 3, lines 25-28, and page 4, lines 3-5 of the specification.

In the Decision on Appeal, the Board reversed the rejection of claims 1-8, 11-12, 14, 16-17, 19-22, 24, 26-28, 30-44, and 47-58 under § 112(1) and the rejection of claims 4-6, 19-20, 33-34, 37-44, 47-48, 50-51, 54, and 56-57 under § 103(a) over Oliver et al. (WO 97/35472). Claim 4, which was dependent on claim 1 at the time of the Appeal, is directed to a cryopreservation medium containing arabinogalactan, a biological or functional equivalent thereof, a cryoprotective agent that penetrates the cell membrane, and freshly isolated lymphocytes, hematopoietic stem cells or lymphocytes which are modified *ex vivo*. Independent claims 1, 14, 26, 31, 53, 55, and 58 are amended to incorporate the subject matter recited in claim 4.

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Page 12

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Therefore, the pending claims are in condition for allowance and notification to that effect is respectfully requested.

Respectfully submitted,

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By her Representatives,

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Date April 27, 2005

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of April, 2005.

Name

Signature

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